



## CONSECUTIVE CLEAN AUDITS



*Ons gee gestalte aan 'n beter toekoms!  
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Sibumba ikamva elingcono!*

File ref: 15/3/3-15/Farm 661  
15/3/6-15/Farm 661

Enquiries:  
Me A. de Jager

11 May 2021

CK Rumboll and Partners  
P.O. Box 211  
MALMESBURY  
7299

**By Registered Mail**

Dear Sir/Madam

### **PROPOSED REZONING AND SUBDIVISION OF THE REMAINDER OF THE FARM BOTMAS KLOOF, NO. 661, DIVISION MALMESBURY**

Your application on behalf of the Kloovenburg Trust, with reference number RK/10884/NG, refers.

- A.** By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017), the application for the rezoning of Remainder of the farm Botmas Kloof, no. 661, Division Malmesbury, from Agricultural Zone 1 to Subdivisional Zone, is approved in terms of Section 70 of the By-Law, subject to the conditions that:

#### **1. TOWN PLANNING AND BUILDING CONTROL**

- a) The Subdivisional Zone accommodates the following zonings, as presented in the application:
- Agricultural Zone 1 for agricultural purposes (258,0619ha in extent);
  - Residential Zone 1 for the development of single dwelling units (3414m<sup>2</sup> in extent); and
  - Transport Zone 2 to be utilised as a private road and service yard (638m<sup>2</sup> in extent);

- B.** By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017), the application for the subdivision of Remainder of the farm Botmas Kloof, no. 661, Division Malmesbury, is approved in terms of Section 70 of the aforementioned By-Law, subject to the conditions that:

#### **1. TOWN PLANNING AND BUILDING CONTROL**

- a) Portion 11 of the Farm Botmaskloof, no 611 (19,0572ha in extent) be subdivided as follows:
- A Remainder of 258,0619ha in extent (Agricultural Zone 1);
  - Portion I of 675m<sup>2</sup> in extent (Residential Zone 1);
  - Portion II of 515m<sup>2</sup> in extent (Residential Zone 1);
  - Portion III of 562m<sup>2</sup> in extent (Residential Zone 1);
  - Portion IV of 500m<sup>2</sup> in extent (Residential Zone 1);
  - Portion V of 500m<sup>2</sup> in extent (Residential Zone 1);
  - Portion VI of 662m<sup>2</sup> in extent (Residential Zone 1);
  - Portion VII of 638m<sup>2</sup> in extent (Transport Zone 2);
- b) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

- c) An owners' association be established in terms of section 39 of the By-Law.
- d) The owners' association constitution be approved by the Municipality before registration of the transfer of the first land unit and make provision for:
  - i. The owners' association to formally represent the collective mutual interests of the development, as set out in the constitution, in accordance with the conditions of approval;
  - ii. Control over and maintenance of buildings, services and amenities arising from the subdivision;
  - iii. The regulation of at least one annual meeting with its members;
  - iv. Control over the design guidelines of the buildings and erven arising from the subdivision;
  - v. The ownership by the owners' association of all common property arising from the subdivision, including:
    - aa) private roads; and
    - bb) land required for services provided by the owners' association;
  - vi. Enforcement of conditions of approval or management plans;
  - vii. Procedures to obtain the consent of the members of the owners' association to transfer an erf if the owners' association ceases to function; and
  - viii. The implementation and enforcement by the owners' association of the provisions of the constitution;
- e) The constitution of the owners' association takes effect upon the transfer of the first land unit to a person other than the developer;
- f) The internal private road be transferred to the owners' association simultaneously to the transfer of the first land unit.

## **2. WATER**

- a) The development be provided with a single metered water connection to the municipal reticulation network and that an internal water network be designed for the development;
- b) The water reticulation network be designed by an engineer, suitably registered in terms of Act 46 of 2000 and that the design be submitted to the Director: Civil Engineering Services for consideration and approval;
- c) Construction of the system takes place under the supervision of the suitably registered engineer;
- d) The Swartland Municipality will not take ownership of the internal water reticulation network, nor the individual property connections and that the Owners' Association compiles an Operation and Maintenance Plan for the system, to the satisfaction of the Director: Civil Engineering Services;
- e) The conditions are applicable at clearance stage;

## **3. SEWERAGE**

- a) The development be provided with an internal sewerage network with separate connection points for each subdivided portion that connects to the existing sewerage network;
- b) The sewerage system be designed by an engineer, suitably registered in terms of Act 26 of 2000 and that the design be submitted to the Director: Civil Engineering Services for consideration and approval;
- c) Construction of the network takes place under the supervision of the suitably registered engineer;
- d) The Swartland Municipality will not take ownership of the internal sewerage network, nor the sewerage pump station and that the Owners' Association compiles an Operation and Maintenance Plan for the system, to the satisfaction of the Director: Civil Engineering Services;
- e) The conditions are applicable at clearance stage;

## **4. STREETS AND STORM WATER**

- a) The portion of the service road that provides access to the development be upgraded to the satisfaction of the Director: Civil Engineering Services;
- b) The internal road be finished in a suitable permanent surface, previously approved by the Director: Civil Engineering Services;
- c) The internal road, as well as the upgrade of the service road that provides access to the development, be designed by an engineer, suitably registered in terms of Act 46 of 2000;
- d) The design be submitted to the Director: Civil Engineering Services for consideration and approval, after which construction must take place under the supervision of the suitably registered engineer;

- e) Swartland Municipality will not take ownership of the internal roads and that the Owners' Association compiles an Operation and Maintenance Plan for the system, to the satisfaction of the Director: Civil Engineering Services;
- f) The conditions are applicable at clearance stage;

## **5. REFUSE REMOVAL**

- a) The development be provided with a suitable, lockable refuse storage area for the storing of domestic refuse;
- b) The storage area be accessible to the municipal refuse service vehicle;
- c) The refuse storage area be designed by an engineer, suitably registered in terms of Act 46 of 2000;
- d) The design be submitted to the Director: Civil Engineering Services for consideration and approval, after which construction must take place under the supervision of the suitably registered engineer;
- e) Swartland Municipality will not take ownership of the refuse storage area and that the Owners' Association compiles an Operation and Maintenance Plan for the area, to the satisfaction of the Director: Civil Engineering Services;
- f) The conditions are applicable at clearance stage;

## **6. DEVELOPMENT CHARGES**

- a) The development charge towards the bulk supply of regional water amounts to R6 534,25 per new residential portion and is for the account of the owner/developer at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The fixed development charge towards bulk water reticulation amounts to R9 504,75 per new residential portion and is payable by the owner/developer at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA: 9/249-174-9210);
- c) The fixed development charge towards sewerage amounts to R6 264,05 per new residential portion and is payable by the owner/developer at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter. (mSCOA 9/240-184-9210);
- d) The fixed development charge towards waste water treatment amounts to R6 727,50 per new residential portion and is payable by the owner/developer at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter. (mSCOA 9/240-183-9210);
- e) The fixed development charge towards roads amounts to R6 034,05 per new residential portion and is payable by the owner/developer at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter. (mSCOA 9/247-188-9210);
- f) The fixed development charge towards storm water amounts to R3 225,75 per new residential portion and is payable by the owner/developer at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter. (mSCOA 9/247-144-9210);
- g) The Council resolution of May 2020 provides for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2020/2021 and may be revised thereafter. The discount is not applicable to 6.a).

## **7. GENERAL**

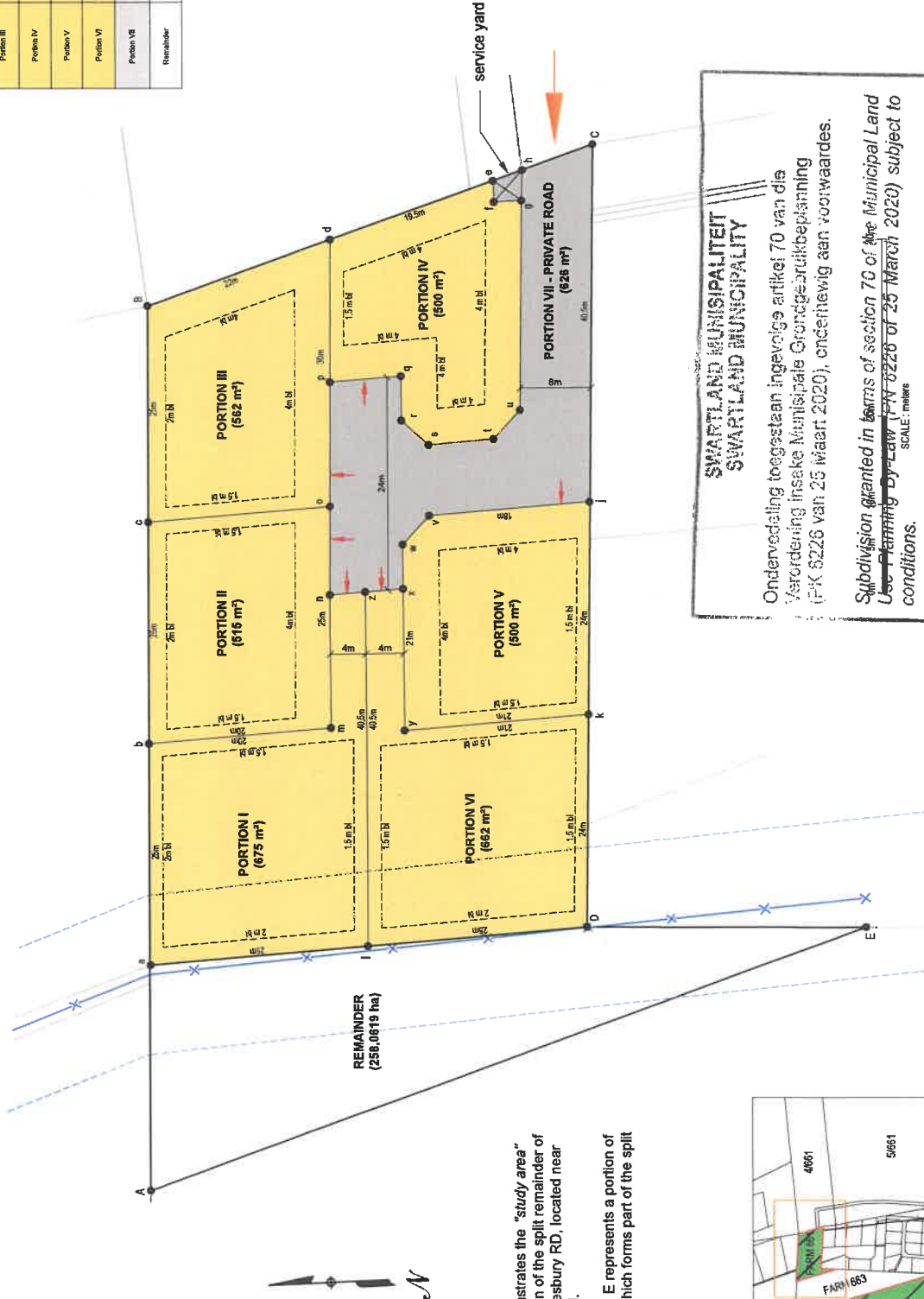
- a) Should it be deemed necessary to expand engineering services in order for the development to be serviced, the costs incurred will be for the account of the owner/developer;
- b) The approval will not cause exemption from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use;
- c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- d) The approval is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All conditions of approval must be complied with within the 5 year period and failing to do so will result in this approval expiring.

Yours sincerely

  
**MUNICIPAL MANAGER**  
per Department Development Services  
Adj/ds

Copies:      *Department: Financial Services*  
                 *Department: Civil Engineering Services*  
                 *Building Control Officer*  
                 *Kloovenburg Trust, P.O. Box 2, Riebeek Kasteel, 7307*

PROPOSED DEVELOPMENT ON THE REMAINDER OF FARM 661 MALMESBURY RD



- LEGEND:
- Residential Land Uses
  - Private Open Space
  - Private Road
  - ESKOM power line servitude
  - 9m power line buffer
  - Access to properties
  - Existing access from egress obtained from Main Road 227 (R311)
  - service yard

DEVELOPMENT PARTICULARS			
PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING
Remainder of Farm 661	A B C D E	258,0619 ha	Agricultural Zone 1
Portion I	a b c m n z j	675 m <sup>2</sup>	Residential Zone 1
Portion II	b c d e f m	515 m <sup>2</sup>	
Portion III	c d e f g o	592 m <sup>2</sup>	
Portion IV	d e f g h i s t u v	500 m <sup>2</sup>	
Portion V	i k p x w v	500 m <sup>2</sup>	
Portion VI	A D L z x y	662 m <sup>2</sup>	
Portion VII	h C I j v w x z m o p q r s t u	626 m <sup>2</sup>	Transition Zone 2
Remainder	A A L D E	258,0619 ha	Agricultural Zone 1
			Private Road
			Agriculture

NOTES:

This diagram illustrates the "study area" which is a portion of the split remainder of Farm 661 Malmesbury Rd, located near Riebeeck Kasteel.

Figure A, I, D, E represents a portion of the remainder which forms part of the split cadastral



SWARTLAND MUNISIPALITEIT  
SWARTLAND MUNICIPALITY

Ondervinding toegestaan ingevolge artikel 70 van die Verordening in sake Munisipale Grondgebruikbestemming (PK 5226 van 25 Maart 2020), onderhewig aan voorwaardes.

Subdivision granted in terms of section 70 of the Municipal Land Use Planning By-law (PN 5226 of 25 March 2020) subject to conditions.

SCALE: main

2021/05/11  
DATUM/DAG

2021/05/11  
MUNICIPAL BESTUURDER  
OFFICIAL MAGISTRAR

Drawing by: Nicol Grobbelaar

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

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DATE: June 2019

AUTHORITY: SWARTLAND MUNICIPALITY

REF: RV10884NG

SCALE: 1:500